

REMARKS/ARGUMENTS

Claims 1-3 and 6-11 are pending herein. Claim 1 has been amended to incorporate the content of dependent claim 5, which has been cancelled without prejudice or disclaimer. Applicants respectfully submit that no new matter has been added.

Applicants respectfully submit that this Amendment After Final Rejection is proper under Rule 116, because it simply incorporates claim 5 into claim 1 and thus does not create any new issues for the Examiner to consider.

In the Office Action mailed May 16, 2007, claims 1-3, 5 and 6-11 were rejected under §103(a) over Kato in view of Yamada and Sugiyama. To the extent this rejection may be applied against the amended claims, it is respectfully traversed.

Claim 1 has been amended to recite that the projected position of the end of the heater is approximately coincident with the projected position of the starting edge of the first space. The claimed position of the heater is important to the reliability of the gas sensor, because the claimed position of the heater reduces cracking of the sensor in the vicinity of the gas introducing hole that would otherwise result from thermal stresses caused by heat cycling of the heater, as shown in Figs. 9 and 16 and as discussed at pages 27-28 and 34-35 of the present application.

In contrast, all of the drawings in Kato show the heater as extending well beyond the starting edge of the first space (18) in the direction of the gas introducing hole. Such a heater arrangement is susceptible to the thermal stress problems that are avoided by the presently claimed structure.

The disclosures of Sugiyama and Yamada fail to overcome the deficiencies of Kato because the heater disclosed in Sugiyama is positioned directly beneath the measurement gas space (second space) (see Sugiyama Figs. 1, 8, 10 and 13), and the heater disclosed by Yamada extends almost the entire length of the gas sensor (see Yamada Figs. 3 and 4).

In response to the Examiner's statement that the placement of the heater is not considered to confer patentability to the claims (Office Action at page 4), Applicants respectfully submit that this statement is simply a conclusion of obviousness, not a reason in support of an obviousness position. It is incumbent upon the PTO to explain why one skilled in the art would have found it obvious to change the heater positions in the applied references to meet the claimed spatial relationship. The record is devoid of any such explanation.

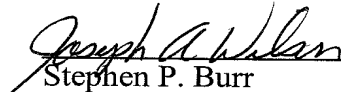
For at least the reasons recited above, the gas sensor of amended claim 1 is distinguishable from the cited references. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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Date



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